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**Citation for published version:**

Ruwanpura, KN 2015, 'The weakest link? Unions, freedom of association and ethical codes: A case study from a factory setting in Sri Lanka', *Ethnography*, vol. 16, no. 1, pp. 118-141.  
<https://doi.org/10.1177/1466138113520373>

**Digital Object Identifier (DOI):**

[10.1177/1466138113520373](https://doi.org/10.1177/1466138113520373)

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Publisher's PDF, also known as Version of record

**Published In:**

Ethnography

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# The weakest link? Unions, freedom of association and ethical codes: A case study from a factory setting in Sri Lanka

**Kanchana N. Ruwanpura**

University of Edinburgh, UK

*Ethnography*

0(00) 1–24

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DOI: 10.1177/1466138113520373

eth.sagepub.com



## Abstract

Academic debates on union politics in the Global South have tended to focus on effective union and solidarity campaigns. Labour struggles, however, do not always yield beneficial outcomes for workers. Three decades of neo-liberal policies in Sri Lanka suggests complexities that labour rights advocates would potentially prefer to shy away from. Efforts to re-politicize union rights of labour in an era of economic liberalization require us to sharpen our gaze on these ruptures too. Using work-place ethnography in Sri Lanka, this article details the interactions of management and labour during a struggle over union formation. It suggests that paying detailed attention to the political economy of labour highlights a complex situation in which fostering unionization, despite its importance for the collective will of labour, may require hard work.

## Keywords

union politics, freedom of association, ethical codes, apparel sector, labour struggles

## Introduction: The freedom to associate via ethical codes?

‘Garments without Guilt’ is a flagship programme marking the Sri Lankan apparel industry’s place in the global economy, where its lexicon is that it is evangelical about producing garments with a conscience. Championing ILO core conventions and staying steadfast to Sri Lankan national labour regulation are the mechanisms through which the Sri Lankan apparel industry claims to divest guilt from its production process. Yet the Garments without Guilt website is spectacularly

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### Corresponding author:

Kanchana N. Ruwanpura, Institute of Geography, University of Edinburgh, Edinburgh EH8 9XP, UK.

Email: kanchana.ruwanpura@ed.ac.uk

silent regarding ILO core conventions 87 and 98, which pertain to the right of workers to associate and engage in collective bargaining – despite Sri Lanka being a signatory to these conventions (<http://gwg.garmentswithoutguilt.com/about-gwg/38>). Unsurprisingly, therefore, a recent global union report points to the continued failures in the Sri Lankan apparel industry, noting workers' inability to freely associate and enter collective bargaining agreements (ITGLWF, 2011). This finding is not unusual against a worldwide backdrop within which there is widespread acknowledgement that workers' ability to unionize is severely tested and thwarted, despite various corporate and multi-stakeholder initiatives incorporating an ethical code that aims to protect rights and standards of labour (Hale and Shaw, 2001; Elias, 2005; De Neve, 2008; Hensman, 2011).

Using workplace ethnography, this article details the intricacies of management-labour interactions within the shop floor of a clothing factory in Sri Lanka, during and after efforts to frustrate unionization. My purpose is to signal how global governance regimes do not operate in a socio-cultural vacuum and to suggest that uncovering factory floor politics offers an important lens through which labour struggles and code deployment in the realm of freedom of association should be understood. Labour geography requires us to not simply rejoice at labour gains but also trace worker ambivalence towards collective action so that we can be attentive to the paradoxical ways in which labour is actively involved in the processes of globalization. In this Sri Lankan context competing loyalties of workers coupled together with the lack of durable commitment by segments of workers to union presence and politics also influenced the eventual faltering of a spontaneous uprising. My article, hence, shows that unionization efforts are riddled with intricacies which need drawing out; these multifaceted challenges are important to acknowledge if we want to honestly broker workers' right to freely associate and express their collective will. As I show in the pages to follow, three decades of neo-liberal policies in Sri Lanka have begun to reverberate in the form of a mistrust of unions and an increasingly individualized politics on the part of workers. Union activity of politicizing and re-politicizing workers on issues relating to their collective rights then needs to navigate a landscape which is not merely about outing or outwitting heavy-handed management tactics but also about candidly appraising existing strategies around unionization – and probing their drawbacks.

## **A prolegomenon to freedom of association**

Difficulties of monitoring and regulating freedom of association are often noted as one of the weakest links in the ethical global governance regime (Hale and Shaw, 2001; Hensman, 2005). Despite corporate codes of conduct coming to the fore as a possible means by which labour standards can be improved, Elias (2005) notes how corporate-led governance regimes are unlikely 'to challenge meaningfully the structural inequalities' faced by workers (2005: 217). Since corporations are implicated in producing 'structures of control and inequality that characterise global production', she points to the naivety of assuming that corporate codes of conduct can be

a panacea in all spheres of labour politics (2005: 218). Freedom of association is likely to moderate inherent power imbalances in management-labour relations, and hence corporations are seen as falling short on scrutinizing this right because it is likely to undermine corporate control over the supply chain (Anner, 2012: 610). For Anner (2012), corporate retailer enthusiasm to monitor minimal labour standards, such as child labour or overtime wage payments, does not convert into upholding labour rights, namely freedom of association and as a consequence collective bargaining declines (2012: 614). Using data sets of the Fair Labour Association (FLA), he shows the distinctions in emphasis of global governance regimes between labour standards and rights. De Neve (2008) reiterates this observation when he too points out how the literature on global value chains and production networks remains quiet on 'questions of labour organization and resistance' (2008: 217; see also Carswell and De Neve, 2013). Studies that focus on single firms, inter-firm networks and conversations concerning management-led upgrading of production are perennially engrossed with issues of governance from above, leaving out crucial analysis of 'workshop-based labour politics within global commodity chains' (De Neve, 2008: 217). Labour politics then largely tends to be hidden from view in analysing geographies of global production systems.

Yet for others, global union campaigns, international framework agreements and transnational solidarity campaigns are considered to be a potential panacea for challenging the worst excesses of global capital (Bronfenbrenner, 2007; Merk, 2009). Corporate codes of conduct are used as a rallying point by consumer pressure groups and global campaigns to bolster support for workers under duress. Nevertheless, as Gunawardana (2007) shows, even where local management, because of global pressures, eventually recognizes unionization, its resilience is questionable when the global forces peter out. She draws out the various pressure points in global-local initiatives towards union recognition at Jaqalanka Apparels. While Jaqalanka's location within Katanayake's Free Trade Zone was initially a boon to its workers, enabling them to access numerous labour rights organizations and unions across borders, once the global campaign diverted attention elsewhere, union gains were eventually scattered. She thus highlights the limitations of factory-by-factory and single campaign unionization efforts (Gunawardana, 2011). Equally, despite evidence of labour resistance and spontaneous strike action in a prominent industrial park in Kerala, Padmanabahn's (2012) research also suggests how workers shun political identification and avoid labelling their collective will as a union. Their ambivalence about conventional union politics surfaces from ignorance around industrial relations and experiences of not getting direct political support from elsewhere (2012: 985). Assertions of labour agency and resistance, hence, result in various beneficiary concessions around strike actions, but also raise the spectre of de-politicization and worker cynicism around union politics (2012: 986).

The flip side of this worker cynicism is the role of management in taming or controlling labour. Masculine corporate culture fusing together with localized cultures of paternalism become mechanisms through which workplace control is exerted, which results in workers resorting to hysterical verbal attacks and

absenteeism, for instance, to mark their resistance in alternative ways (Elias, 2005). Yet she suggests that the danger of focusing only on culturally specific forms of resistance is to miss the 'nascent class or gender consciousness embodied in these acts' (2005: 217). Using the Tiruppur garment cluster in South India, De Neve (2008) traces the ways in which workers lose interest in unions because of how employers cultivate 'relationships of dependency and patronage', which effectively silence workers' voices (2008: 222). He hence calls for research that historicizes and embeds labour struggles within a located and contextual political economy.

These scholarly interventions suggest that understanding how labour responds to the expansion of capital through global spaces helps uncover the differentiated geographies of capitalism, which facilitates the need to carve out a space for a labour geography (Herod, 2001; Castree, 2007). Through a focus on the voice of labour, labour geography focuses on working-class activities, their spatial embedding and how this enables or constrains social praxis. How workers try to influence and shape geographical relationships and structures within global capitalism is a core concern of labour geography – or 'how labour must respond' to the new political economy of capitalism (Herod, 2001: 131).

Sri Lankan labour draws upon gains made by a historically strong labour movement extending to the immediate pre-independence years that resulted in numerous labour laws aiming to protect the rights of labour (Jayawardena, 1972). The strength of the Sri Lankan labour movement manifested itself in the form of left political parties and trade unions and has asserted their autonomy with varying levels of success (Jayawardena, 1974; Candland, 2002). The state responded, offering the legislative and regulatory space for collective labour to aver its rights and a constitutional right for citizens to freely associate; employers therefore had to contend with national level unions across various sectors (Jayawardena, 1974). Post-liberalization Sri Lanka, circa 1977 onwards, however, has resulted in a weakening space for union politics because the attention of the state has shifted from labour to capital (Gunawardana and Biyanwila, 2008; Hensman, 2011). National level unions exist in the apparel sector; they are constantly trying to reclaim lost ground and against the odds have made valuable a presence in the free trade zones (Women's Centre, 2006). Still, unions are culpable of not organizing around the interests and rights of women workers in a post-liberalized Sri Lanka; illuminating the contradictory nature of labour struggles (Gunawardana, 2011). Garment sector labour in post-liberalized Sri Lanka has faced moments of success that are worth celebrating (Women's Centre, 2006). Yet, union activity is also marked by chequered trajectory; because by leaving out the gendered, cultural and spatial nuances of labouring lives, unions risk the ability to sustain effective labour mobilization temporally (Gunawardana, 2011). This historical trajectory helps us to appreciate the current position of labour politics in Sri Lankan society because it brings to the fore labour voices on union politics, with my research suggesting that it is multiple and paradoxical.

It is, however, not only labour which gains from Sri Lanka's strong statutory frameworks; apparel producers too draw upon Sri Lanka's strong labour

legislation, durable socio-development record and its educated labour force to make its ethical positioning possible (Ruwanpura and Wrigley, 2011). The state then has been a principal arbiter of industrial relations (Castree, 2007: 859), benefiting capital and labour at different epochs in Sri Lanka's industrial development path. These facets are coupled together with an industrial mindset that sees itself as being in the vanguard of upgrading by setting up globally superior production facilities (Karp, 1999; Knutsen, 2004; O'Leary, 2009). The critical import of trade-labour standards in the post-Multi-Fibre Agreement (MFA) milieu coupled together with its ability to produce quality garments underlie the industry's ability to shift to value-added 'ethical' production (Gunawardana, 2007). The industry has much to boast about, making Sri Lanka's ethical position on the global garment production map one with a discernible basis – but it also borrows on past state-led social development and historical gains by the labour movement. And it also remains the case that ethical codes governing the global industry are applied unevenly and grey areas abound for the Sri Lankan apparel sector (Ruwanpura, 2012), with much paucity in the realm of freedom of association (see also Anner, 2012).

This article traces how workers attempted to achieve unionization, spontaneously and locally, without local-global connections of global solidarity campaigns. While the efforts of these workers floundered, there is much to learn from the multi-faceted responses of management to unionization efforts – which are not always a linear rejoinder. Worker harassment is a common tactic and it came to be used at this factory setting too (Gunawardana, 2007; Hensman, 2011). Similar to observations made by De Neve (2008) and Elias (2005), managers gained labour obedience through calls to loyalty and steadfastness but also by invoking the economic insecurity that pervades labourers' everyday lives. The eventual faltering of an embryonic union was an outcome of the constrained space within which labour agency tends to be articulated, but a space that needs nuanced analysis to be satisfactorily incorporated into labour geography.

Labour geographers have already noted how 'capital needs to *work place* if it is to be successful: it must work to embed itself locally so as to develop the economic relationships with local labour forces' (Herod, 2012: 19; see also Cumbers et al., 2008; Castree, 2007). My findings illustrate that this *working of place* can sometimes act against the collective interests of labour. Where the immediate material interests of segments of workers coincides with employer strategies and because labour itself is a 'site of on-going class struggle', Cumbers et al. (2008) have already shown how the working out of multiple positions within labour results in complex and divisive consequences across uneven development spaces (2008: 373). These tensions, however, I contend need not merely arise across distinct uneven spaces; the accent of my findings is on labour tensions within the *same* space. Worker ambivalence towards unions and a lack of sustained global networking opportunities also thwarted labour efforts at unionization (Ost, 2005; Gunawardana, 2007; Padmanabhan, 2012).<sup>1</sup> Anxieties around unionization and union politics by workers need to be registered if we are to be attentive to labour geographies in their complexity and heterogeneity.



Often research has tended to hone in on union and solidarity campaigns that are effective and successful and yield beneficial outcomes to labour (Merk, 2009; Miller, 2012), whilst the paradoxical nature of labour attitudes towards union politics are left unanalysed (Padmanabhan, 2012). Consequently, we know little of why worker efforts at associating freely wither: this raises the important question, is there nothing to be learnt from failed episodes and constrained spaces within which labour activism enlivens and shrivels (for exceptions see De Neve, 2008)? Tracing how workers attempt initiating unionization and the subsequent management responses suggests complex global-local dynamics at play; it also proposes that global governance regimes operate locally in a socio-cultural context, where place-based local identities and tropes are constantly invoked and deployed (De Neve, 2012; Carswell and De Neve, 2013). Appreciating the possibilities of and limitations faced by labour activism hence requires us to tease out the local, through which we can understand the tensions around global governance regimes and value the ways in which labour responds to globalization. Anthropologists and geographers alike emphasize the importance of social relations and appreciating the cultural environment for analysing labour agency within global production (Castree, 2007; De Neve, 2012; Carswell and De Neve, 2013). Their focus is on the everyday forms of agency in the realms of livelihoods and social reproduction. In contrast, using workplace ethnography, my article delineates the minutiae around worker commitment and ambivalences to union politics within a production site. The sections below narrate the fieldwork undertaken; using narrative ethnography, it details an episode surrounding spontaneous strike action, consequent efforts at worker unionization and management responses to it.

## **Field research: Within and across borders**

The fieldwork for this research was carried out over a two-year period. The incipient stages of the research involved undertaking interviews with 25 senior and mid-ranking managers from buying offices over a two-month period (Ruwanpura and Wrigley, 2011). A successful round of meetings with management led to an opportune climate of openness, fostered by two managers in particular, with them generously admitting the PI and RA to be based at a couple of factories over a longer period (Ruwanpura, 2012).

The two factories sites were based in the interior of Kalutara district, which was semi-rural, and were based outside of any factory zones. They produced for the UK and the US market primarily and made lingerie and outerwear for high street brands like Marks and Spencer, Debenhams, BHS, Tesco, American Eagle, and George, as well as for more exclusive retailers, such as Eddie Bauer, Calvin Klein, Tommy Hilfiger, Levi Strauss and Lily Pulitzer. Regular auditing by local commercial companies engaged by the Ethical Trade Initiative (ETI), Fair Labour Association (FLA), WRAP (Worldwide Responsible Apparel Production) or individual retailer commissioned auditors was the norm.

The factory at the centre of my analysis employed approximately 800 workers, which is a large production facility for the Sri Lankan apparel sector. Like many high-end producers, it was a member of the GWG programme and flaunted itself as possessing impeccable conditions of work. With a purpose built factory constructed to high building regulation standards, it produced exclusively for a UK high street retailer who was a member of the ETI (Ethical Trading Initiative). Hence the factory was subject to ETI-mandated annual audit and I was told it had never encountered insurmountable problems; likewise, during my time there managers used ethical codes as a point of reference and mentioned how it shaped relations with workers. While the majority of machine operators on the factory floor were labouring women, approximately 15 per cent of operators were men – partly reflecting the increasing challenges employers face in recruiting and retaining exclusively women workers. Even as employers were responding to labour challenges by having to diversify their recruitment strategies, this particular factory had a classic gender division of labour: its senior, middle and low management (supervisory) positions were predominantly held by men (approximately 95%).

Between early August 2009 and the end of February 2010 I undertook local ethnographic fieldwork, with daily visits to the two factories to become acquainted with the workers. During this entire period, I was also boarded at a nearby local home so that I got to know workers both on and off-site. Subsequent to this extended fieldwork period, there were return fieldtrips of two to three months duration until June 2011. Dialogue with workers in the interim period and when I was back in the UK was done via monthly telephone conversations with groups of workers.

Wasana, a Research Assistant, present at the two factories, supplemented the fieldwork. She had started her fieldwork from April 2009 to create a favourable context for developing worker familiarity and sustained a rapport throughout the two-year period – even in my absence from the field locations. The presence of the RA also ensured that a select group of workers maintained worker dairies over a one-year period with their experiences of ethical code practices.

Elsewhere I have noted how our age groups, ability to speak in the local language and constant presence enabled us to develop an excellent rapport with workers and build long lasting connections (Ruwanpura, 2013a, 2014). There I also noted how all constituencies were aware of the politics embedded in our class positioning and the myriad power factors that needed to be negotiated sensitively. Instead of rehearsing these points, here I make a pitch for how crucial those telephone call connections turned out to be in gathering data for this particular episode and code violation.

My decision when I returned to the UK to sustain the rapport built up with workers whilst in Sri Lanka was motivated by several factors. At the end of the extended field period, it was evident that there were workers that I had built very good connections with, which my RA did not necessarily have; she had grown familiar with other workers in certain instances. The importance of investing in these personal connections was evident for the long-term viability of the research.



Equally importantly, however, a bond had developed between segments of workers and me, which I did not feel comfortable jeopardizing. Because of our different class positioning and my exposure across various scales of class, privilege and international connections, there was a certain implicit trust placed on me to reciprocate their openness to make my research possible.

My decision to maintain relations with workers was vindicated by events four months after my return to the UK. When an incident involving an assault against a worker took place towards the end of June 2010, there were ring cuts – which is when someone from the factory gives a ring and it serves as a code for me to return the call – and text messages requesting that I get in touch with them urgently. It was the same for the RA where she too was given ring cuts and text messages, with some information coming to us at real-time. The initial trigger for me, however, was an urgent email by my RA detailing the assault and the ongoing work stoppage.

Information at the early stages of the incident was then gathered via emails and Skype calls with the RA and extended telephone conversations with workers and middle managers. This preliminary information was supplemented when I met and interviewed workers and the assaulted young man on a return fieldtrip. My ability to pick up on the incident and revisit it – albeit by recollection for workers by then – was because of the central significance of telephone connections with workers within and across borders. Research, when it extends beyond a tightly framed located period, required using modern technology in its infinite possibilities to sustain field research across global scales.

The next section discusses the factory setting, which paves the way for detailing the episode that led to workers spontaneously rising and helps appreciate how, ultimately, worker agitation and efforts at union formation were more than likely to dissipate. The dynamics that resulted from and after the assault also suggest how factories based in rural communities are connected globally in a selective fashion: a global-local (mis)connection that frustrated union sustenance in the factory setting. It illustrates how global governance regimes are about labour politics as well as ethical codes; thus, to assume collective labour rights would be enhanced or upheld via the circulation of voluntary codes is a parochial understanding of labour geographies (McIntyre, 2008). As my article shows, the ways in which management and labour *make place* have even more important bearing on whether ethical codes, particularly around workers' rights to unionize, will be upheld or displaced.

### **Ipso facto loquax**

During my initial days of fieldwork in the factory setting, a senior level manager inquired about my first impressions of the production site. I responded honestly, saying that work conditions seemed inspiring and the work force appeared relaxed, motivated and genuinely appreciative of their workplace. He responded by saying 'ipso facto loquax' and translated this to mean that the facts speak for themselves. In many ways, he was not far off from the truth in making this statement. The built

space of the factory was excellent and maintained physical conditions similar to factories at the high-end of supply chain within Sri Lanka, some of which set global standards (Karp, 1999; O'Leary, 2009). Moreover, during my fieldwork that included participant-observation and in-depth formal interviews with 30 workers from this factory, the general consensus regarding floor-level practices was one of praise. However, floor managers and supervisors did pressurize line workers to meet targets set, which workers grumbled were increasingly unrealistic. Yet the ways in which they encouraged meeting these targets was through cajoling, flattery and gentle invectives rather than through harsh words, abuse or violence towards the workers. It made workers, especially those with experience at other factory settings, appreciate the labour-friendly approach to work floor practices. Floor practices in this factory were in contrast to the norm where constant scolding and verbal abuse comes with the job (Gunawardana, 2007).

Anthropologists have pointed out that these management techniques do, however, carry with them a paternalism and politics of feudal hierarchy conducive to exhorting workers to meet the demands of capitalist production (De Neve, 2001, 2008). Management-worker relationships in such situations sustain a fine balancing act, as these self-same feudal hierarchies can unleash unexpected brutality when and where authority is challenged or obviously destabilized (Burawoy, 1983). Quite suddenly this is precisely what occurred in this factory towards the end of June 2010. The next section summarizes the incident that led to efforts at unionization by workers and the subsequent thwarting and eventual disbanding of the union. The narration offers a platform through which to unpick how the Sri Lankan apparel industry positioned itself as an ethically sourcing destination while its track record of safeguarding the collective rights of labour remains, at best, unreliable.

## **From individual violence to collective responses**

Wasana, the RA, informed me via email at the end of June 2010 of an assault upon a young worker, a man, which occurred during the night shift. Many workers took the initiative to call her to register their annoyance, disquiet, shock or dread with unfolding events, and she in turn sent me excessive and lengthy emails on the information coming through. Ten workers with whom I made contact on the day and over the next 10 to 14 day period then corroborated the episode. I also had telephone conversations, more than once, with three middle level managers with whom I had established affinity during my fieldwork. All these phone conversations lasted anything between 30 and 60 minutes on average. Wasana also interviewed the security officers involved in the episode. Subsequently, on a return field visit, I met with and interviewed the young man at the centre of the uproar (who will be called Jeevan), meeting him on two occasions. Prior to my interviews with Jeevan, immediately after the incident Wasana got in touch, as she knew him from her field visits. By interviewing various constituents, I made every effort at triangulating the emerging storylines with events noted below, trying to modestly capture the core narrative.

It was around 3.00–3.30 am on the night shift when workers became aware of the Human Resource (HR) Manager walking around the production floor. A delay caused to a labour recruitment trip by the HR office to the North Central province resulted in an unexpected visit around the factory floor by the HR Manager. When visiting the cutting section, he had found the men using and chatting freely on their mobiles, which irritated him; as a result he castigated the security guards for letting workers carry mobile phones onto the floor. The security personnel responded by remarking that the workers were increasingly insubordinate and used a recent incident to illustrate their observations.

Being the month of June, heavy northwestern monsoonal rains typified the days for workers coming into work, and an overtime shift on Sunday was no different. Jeevan was accompanied by his fiancé, a co-worker, on his motorbike and parked his bike in the shed usually kept for managers. When he disembarked, the area security officer had said that he could not park his vehicle in that location, which resulted in an altercation with Jeevan, who had remarked that the heavy rains and absence of managers on a Sunday made this prudent. He had initially defied the security officer's diktats and gone into the shop floor, although later – when the rains ceased – he had removed his bike from the shed on the advice of the Officer-in-Charge (OIC) of Security.

This incident led to a trigger of procedural events. The OIC reported the incident to HR at the start of the week, as is the norm. The junior HR staff had recorded the security officer's version of events, and since Jeevan was on the night shift that week they had made a request to his line supervisor that Jeevan meet with HR before he clocked on. Because the HR office was making arrangements for a recruitment trip, they had left the office early on Monday evening and had briefly registered Jeevan's version, requesting that all parties meet on Wednesday or Thursday.

The security officer's narration of events to the HR manager resulted in an agitated confrontation between Jeevan and the manager with the manager seeking and violently attempting to throw the worker out of production. Jeevan refused to be intimidated, retorting that the manager has no basis to dismiss him from the production line. The HR manager then forcefully dragged Jeevan out of the shop floor. Outside of the production floor, a brawl broke out between Jeevan, the HR managers and the security officers – and this made workers walk out, initially to protect a co-worker<sup>2</sup> and then to make a collective stand against the violence they had witnessed.

Workers started walking out when they saw that Jeevan was bleeding, and they were suspicious and disdainful of management's offer to take him to hospital. Workers, therefore, took charge of supporting Jeevan's hospitalization arrangements and insisted that the HR manager be sent into police custody and dismissed immediately for initiating violence. When other managers – all called urgently in the early hours of morning – realized that their power was being usurped and that the crowd of workers were beyond control, they sought police assistance.<sup>3</sup> Because the local police station did not have the capacity to manage the potentially

violent uproar, a battalion of 400 police officers came together from three nearby stations. During this time, the management team also got the assistance of the police to bundle the HR manager out of the factory premises and, given worker demands, took him to the local police station. The worker stridency only came to a halt after a select group of workers travelled to the police station and witnessed that the HR manager had been remanded.<sup>4</sup>

### **Collective upheaval and beyond: Delicate strategizing towards unionization?**

While this uproar was taking place, the more strategically minded labourers, consisting of an older woman worker and a couple of younger workers (a man and woman, respectively), started speaking with the adjoining factory, which was unionized, on the mechanics of union formation. They, together with a mixed age group of women workers and younger working men, rationalized that since they were unionized, management would not subject them to unexpected intimidation. They thought in a unionized factory setting the kind of episode they had witnessed would not have taken place, and this incident was repeatedly mentioned by workers as instrumental in forging the strength of the union. Contrary to Padmanabhan's (2012) observation that workers in her research site were 'unaware of seemingly simple information', in this factory milieu a segment of workers became proactive about their possibilities for union formation.

Spare membership forms obtained from the adjacent factory were passed around urging workers to join the union. However, there were insufficient forms to get the 40 per cent of worker membership on the day, which is the minimum required for the management to formally recognize and negotiate with the union. Nonetheless, a union was formed with a membership committee of mostly women workers holding key committee positions;<sup>5</sup> by 11.00am management was informed regarding the formation of the union via a formal letter. Initially management was non-committal and after lunch made a decision to close the factory until the next working day; day and night shifts were cancelled and workers were discharged, at which point workers left the premises.

Workers involved in forming the union said that events facilitated good recruitment, with no great need to coax workers to join. They regretted not possessing a greater number of membership forms, because they were convinced that they would have then recruited the required number of workers. Workers who did not join the union said that they felt all of them were agitated and hence it was hardly a day to join without reflection, while others were ambivalent because of the fear of its implications for factory operations – and hence their jobs. Answering the roll call to join the union was greatly affected by considerations of protecting job and income security. These fears and insecurities were conveyed to us by a number of workers during and in the immediate aftermath of the incident, as well as during personal conversations on a return fieldtrip months after the event. Management played on worker anxieties in the next few days in frustrating the shaping of a

unionized workforce, although not all managers were unanimous in the ways in which union politics was thwarted.

## Politics of fear and insecurity

Management reactions to the newly formed union were varied and tended to appear random and unplanned; yet three distinct strands could be discerned in force regarding how the newly formed unions were received. The first view was that without a 40 per cent membership of the labouring body, the management were under no legal obligation to recognize any union. Another set of managers more refreshingly opined that union presence in and of itself need not hamper cordial management-labour relations. The third perspective, which eventually prevailed, was that the incipient union organizational activities had to be split.

It is worthwhile illustrating these positions in some depth, even though the dominant view eventually ensured that the union activities were discouraged and eventually disbanded. I do so because, unlike De Neve (2008: 234–5), I want to suggest that the formation of a *doxa* or a reified neo-liberal position is multifarious with possible spaces for labour struggles to manoeuvre and make their voices heard – however inaudible they may be in the global landscape (see also Herod, 2001: 17).

One view within management staff was that as long as the union did not have 40 per cent membership, they were under no legal compulsion to recognize the newly formed union or its incipient activities. Reflecting a recent Supreme Court judgement that attempted to thwart unionization activities and goes against the spirit of the ILO core conventions, these managers contended that it was best to not try to break up the efforts of workers to harness union activities. Managers of this persuasion were also aware that any active effort to hinder workers' right to freely associate would undermine the ethical codes that the factory was governed by. This perspective was conveyed to the senior director, but fell on deaf ears. Global governance regimes may increase management awareness of all aspect of labour rights, with even potential sympathies for upholding these from some quarters. There is, however, no inevitability that all rights will be upheld because of an absence of will from the entire management (Miller, 2012). The reification of neo-liberal governance regimes and the internalization of them by management is a patchy process when the multiple perspectives management views are registered.

Another view was that unionization need not necessarily lead to the impairment of factory and production activities. It was not simply managers who expressed this view to me, but also workers who said that they felt sufficiently comfortable and confident to approach certain managers and discuss with them the ways in which union activities could be worked out at the factory setting. This group often alluded to the adjacent unionized factory where they highlighted that both management and workers understood the need to work together. They pointed out that it was not necessarily and always the case that workers resorted to strike action and that often joint decision-making can lead to outcomes that take better consideration of labour interests. Both these perspectives, however, unfortunately turned out to

be insignificant. The view that prevailed, with tacit endorsement by the Principal Director, was that the union had to be split before it gained further strength and momentum. Towards this end a senior manager together with some of his floor level managers commenced a series of direct and indirect offensives that would ensure that the burgeoning union politics would scatter.

The dominant vision was bolstered through a two-pronged process. One strategy deployed cultural norms and discourses of family in a consistent fashion to both instil a politics of fear and loyalty – invoking the coercive face of paternalist management regimes (Burawoy, 1983: 599; De Neve, 2001; Elias, 2005; Gunawardana, 2007). The other stratagem was a textbook illustration of ‘bad practice’. On the floor level, workers who joined the union and especially union committee members tended to be singled out and subjected to various forms of harassment, including being taunted about their lack of loyalty towards a factory that offered them employment (Elias, 2005; Gunawardana, 2007). In the sections to follow, I use ethnographic vignettes to illustrate these broader points. By tracing these processes, it is possible to highlight the specific local forms of anti-union politics that need airplay, since as Anner (2012) notes, existing quantitative analysis signals continuing fault-lines in labour relations but does not enable firm conclusions (2012: 612). Management’s ability to act with impunity in this sphere is due to the global landscape within which the apparel sector operates (Anner, 2012; McIntyre, 2008). Lack of code convergence, its presumed universal applicability and packaging it as an ahistorical and apolitical instrument all feed into taking the politics out of a code pertaining to collective labour rights (De Neve, 2008). National spaces which constrain or facilitate unionization and labour movements also play a vital role (Bronfenbrenner, 2007; Cumbers et al., 2008). Although Sri Lanka has had a strong labour movement historically, which won many concessions from the colonial and post-colonial governments (Jayawardana, 1972, 1974), it also remains the case that in post-liberalized Sri Lanka union politics has had an uneven trajectory – with many losses and few gains (Gunawardana and Biyanwila, 2008). It is a setting hardly conducive for union formation at a semi-rural local factory, with non-existent solidarity connections nationally or internationally; while the desire of labour for unionization existed, its burgeoning was to be tempered because global governance codes filter through the politics, socio-economic conditions and cultural forces of local spaces.

Against this backdrop, a senior manager took it upon himself to call up groups of workers, divided into old and new workers, younger and older workers, men and women workers, unionized and non-unionized workers, after the episode. At each session, he called upon the workers to show loyalty towards a factory that offers them employment, pointing to how unionized factories invariably close down as buyers do not like working with such suppliers! He pointed to the various benefits that the factory offered the workers from the provision of subsidized transportation to factory meals. He also invoked the factory’s existence over a lengthy period of time without any blemish to its reputation, a situation that unions apparently would bring into jeopardy.



Moreover, he pointed to how management and workers had worked together cordially in the past and reminded older workers of the prevailing factory ethos, while letting new workers know about its worker-friendly environment. In this regard, he evoked how the factory was characterized by a family-like atmosphere, which worked well, in which management listened to workers' concerns and made every effort to respond:

We treat each other like brothers and sisters – like an extended family who know how to iron out discord through conversation and discussion, even when things go wrong. We may get irritated and annoyed, but we know in the end that, like a family, it is in everyone's interest to work together. The workers who have served here for long periods know this; we have never had this kind of episode of our existence – and that is testimony to our ethos, of working together like families do. Unions invariably puncture that filial and affable relationship.

Invoking familiar cultural tropes of kin, family and loyalty to nurture harmonious industrial relations is not unusual in the apparel sector (De Neve, 2001). The distinction on this occasion was that the manager was actively involved in blurring an acrimonious worker-management division which had catalyzed the strike action and collective anger of workers in the past days by reminding workers how the presence of unions would puncture the otherwise smooth functioning of genial worker-management relations. Unions were painted as an external intrusion into the internal operations of the factory. He had also stirred up fear by mentioning how any worker failing to heed to management requests might cause dire consequences in terms of factory closure, with buyers more than likely to relocate to countries in the African continent, where labour was cheaper. By not using examples from neighbouring South Asia, which workers have good awareness of, but deploying a less known continent, worker ignorance and trepidation was compounded. Using deception, veiled threats and intimidation, labour was expected to cooperate with capital – not to do so would dismantle their own job security and futures (Elias, 2005).

Different workers who were drafted into the distinct groups told me how the character of senior managers' communication was nuanced and tailored according to the group being addressed. For instance, male workers were informed of how, as men, they should understand how it is easy to get provoked by unjust incidents on the floor. However, the manager had also emphasized how calm and cool-headedness was more likely to yield the desired results rather than agitation and provocation with supervisors, management or peers. Many workers mentioned that, in retrospect, they became aware what the management was doing was to separate and divide workers from forging any further alliances. Even so, they revealed that as they were being constantly called up in segmented groups managers emphasized potential job insecurity and instilled fear. By calling upon the economic realities and discourses of the family inflected with elements of deceit, this senior manager was playing on common cultural tropes and the material

hardship of workers to disseminate a politics of fear and insecurity. Through these actions he largely succeeded in thwarting the activities and progression of the newly formed union, with workers becoming mistrustful of each other and seeing the union as creating uncertainty.

Against this backdrop, floor managers and supervisors were given free rein to single out and target unionized workers for harassment. While there was no reporting of direct assaults by supervisors or floor managers,<sup>6</sup> many unionized workers felt that they were intimidated in subtle and indirect ways. A unionized committee member said how her floor manager would say, 'Shame on you for forming the union and getting others to join it. We are keeping an eye on those union members. They are the ones most likely to lose their jobs if they don't meet their productivity targets'. She said that along with such statements, she and others like her were given targets higher than those of their peers and noted how her area floor manager would loiter around her and other union workers. Such practices were found to be menacing in particular because she said that previously she had a very good rapport with her floor manager.

Another unionized worker said that there was a dramatic shift of attitude towards her and other union workers on the floor:

Now it is not like before. The managers and supervisors are much more draconian in the way they deal with us in everyday tasks. Because we have always been aware that we have had good floor practices and a solid affinity with our supervisors and managers, there is a marked difference – and we feel it. It is as if the incidents of the day were our fault and not that of the management!

Even non-unionized workers noted the changes at the factory, with an older woman saying, 'There is a change in atmosphere. The floor managers don't trust the workers anymore; workers don't trust each other. The closeness (*suhadhatavaya*) that used to prevail is non-existent now.' Deep-seated mistrust and fear regarding the stability and future of factory operations was instilled amongst workers, showing how everyday workplace practices shed a light on how 'localised social power relations and inequalities' create the *real* labour practices (Elias, 2005: 206). Consequently, in this situation the space for union politics was easily usurped; with a global governance code getting pushed aside.

Another worker told me that the managers and supervisors were particularly watchful of men workers embroiled in the incident and who later unionized. While there were no immediate blatant reprisals against these workers, she pointed out how Jeevan had left the factory by about October 2010 with a cloud hanging over the reasons for his departure – with rumours of him getting paid off to do so. She said that management was hounding union workers or forcing them to retract from their union membership and then asking forgiveness from the management. Indeed two of the workers who had informed me of their fear and yet determined to remain in the union subsequently had resigned from the union with one of them noting,

Aiyo, we also made a decision to leave the union because the management was successful in making us fearful and getting union workers to rescind their membership – by asking forgiveness from Mr. L. There was very few from the original list of union members left in the weeks and months after. We also went on our knees, worshipped him, asked forgiveness for forming the union and removed our names from the membership list. I worshipped both Mr. L and Mr. D – my floor manager – and got their forgiveness.

The other worker didn't offer me this level of detail as to how and why she rescinded her membership and indeed seemed embarrassed and awkward in talking about her active involvement in forming the union when we met on a return fieldtrip.<sup>7</sup> Ex-union members felt that resigning from the union and asking for 'forgiveness' was the only way to be graciously treated by management.

The other worker who offered a detailed description of the union formation and activities on my last fieldtrip to Sri Lanka (December 2010–January 2011) thought:

It is our ill luck that there were not enough application forms to get more workers to join the union on the day. Afterwards the workers got scared the way in which Mr. L was calling us in different groups and informing us of the risks of unionization and falsely letting us know that the factory closure was inevitable if the union was to remain. Some of the workers took a step back (*pita passa gahuwwa*) and hesitated; it is a chance that we missed to represent our interests collectively.

She had not resigned from her union membership, even though she knew that there was little point in remaining in an inactive union; for her, this decision was symbolic – the assertion of her rights. She also acknowledged that she had a floor manager sympathetic to union politics and as a worker with experience she did not undergo the kind of intimidation others went through. She was aware of her rights and unafraid to assert them, if need be. Undoubtedly she illustrated a laudable moment of labour agency, but she was in no doubt that the agency that really matters is that of the collective will of labour (McIntyre, 2008). Stemming nascent class-consciousness, in her view, was putting a stop on 'always the need to organize to resist' (Elias, 2005: 217).

Throughout the episode and later on my return fieldtrip visit I also spoke with many other workers who did not join the union and were ambivalent about its role. The uncertainty recorded by some stemmed from the fears that the management had instilled in their psyche; but there were also others who were critical of management tactics but remained unconvinced that a union can necessarily lead to better working conditions. One worker vehemently disapproved of the way in which the management went about dealing with workers after the incident, but she also went onto say 'Union presence alone won't resolve our issues. Where have unions made a difference? Not in Sri Lanka' (see also Ost, 2005; De Neve, 2008; Padmanabhan, 2012). Her views were at odds with the direct experience of the neighbouring unionized factory that had no recent reported incidents.

However, according to village folklore, historically this factory seems to have had tumultuous industrial relations. Yet neither she nor any other worker made explicit reference to any particular episode regarding the adjoining unionized factory in registering her discomfort with unions and union politics.

Others brought up the role of Jeevan in the furore and his role in the aftermath of the strike. One worker said:

Because of him we got involved in striking against the management and now he is not even at the factory, because he got paid loads of money to keep him silent and then he left. In front of us, he even told the manager – who had called us and requested that we drop the union – that the HR manager didn't hit him; it was the security he did so. The case he started with the labour tribunal has been dropped apparently. We are still languishing; we feel foolish at times for all our efforts to standby each other.

Others had a more sympathetic reading of his inability to remain working at the factory.<sup>8</sup> The view that the existence of a union may not necessarily be a boon to workers within the factory and its presence may only spoil and create unnecessary divisions within workers was also a prevalent view. These conversations made it apparent that the broader setting of unions being vilified in the media and anti-union sentiment since Sri Lanka's transition to a market-based economy in 1977 was filtering through and colouring the imagination of workers (Women's Centre, 2006). Strands of public cynicism and de-politicization of workers referred to by Padmanbhan (2012) in this instance were connected to worker perceptions on the ability of unions to make a difference in their lives. This, coupled with the economic insecurity blighting their everyday lives, meant that the politics of fear and insecurity deliberately propagated by segments of managers made complete sense in the wider political economy.

## The politics of global governance codes

Collective labour struggles and strike action rarely enter the radar screen of academic debates on global governance (De Neve, 2008; Anner, 2012). Yet freedom of association and collective bargaining, despite its appearance in the global governance regimes, is often not sustained in supplier countries. This collective labour right has an uneven, neglected and sometimes downtrodden record in Western nations (McIntyre, 2008), and hence its application in the Global South remains irregular (Gunawardana, 2011; Anner, 2012). Consequently, the violation of this code does not register with the media, whether in the UK (where the sole buyer of this factory is based) or in Sri Lanka. Indeed, the entire episode of a serious assault against a worker leading to worker uprising at a factory magically evaded any scrutiny – save an internal investigation surrounding the violent episode, but not its deliberative breach of an ethical code related to freedom of association. The buyers were kept in ignorance, aided by the 5000 odd miles that separate the UK and Sri Lanka. The UK's own recent union record of tightening labour laws

contravenes its obligation towards the ILO conventions (Martin et al., 1993), a backdrop which is likely to influence the extent to which UK-based multi-stakeholder initiatives give the code serious consideration. Additionally, snap-shot auditing systems are incapable of capturing significant disruption and violation of ethical code regime unless by coincidence there was to be an audit the next day at the factory or worker trust had been forged through time (Hensman, 2005; De Neve, 2008; Anner, 2012). Happenstance made me a researcher on site with a long-term involvement with the factory workers for a project on the evolution of ethical codes in Sri Lanka, which by and large evaded the negative spotlight for serious violations of codes or exploitative worker practices. This facilitated the chronicling of events described above.

Despite ethical codes having a clause protecting the right to associate and collectively bargain, the dissonance between buyers' merchandizing priorities and CSR sections aided local management, who were able to circumvent any potential challenge to their authority and unwelcome glare of publicity regarding the incidents of the day. A few middle-level managers mentioned that the merchandisers of the buyer were casually told that there had been an incident at the factory. This communication initially took place between the senior manager and the buyer, as he wanted to keep the UK office abreast of events – but he did not divulge significant detail. It was a precautionary measure, in case there was some leak that might have placed the factory and its management into an awkward position. By giving its headquarters and the high-street retailer just enough information, but not too much, damage control was maintained. After this soft-peddling dialogue, it was the merchandizing teams – rather than the HR group and the CSR unit of the high-street retailer – that conversed about a softened version of events. This frustrated the need to hold any inquiry by the buyers, as the merchandizing units of retailers are notorious for their disconnection from CSR priorities – with retailers more likely to have a reactive rather than a proactive stance on freedom of association (Bronfenbrenner, 2007; Miller, 2012). Elias (2005) remarks how standards are upheld where they facilitate firms to maintain labour control, while for Anner (2012) any 'perceived loss of control over the cost structure and operation of their supply chains' via unions and collective bargaining are distinctly downplayed in governance regimes. I go further and contend that managers outwit both buyers and labour by deftly deploying governance regimes to suit their needs. It is not that capital always cooperates across borders, but rather that sometimes capitalists draw tactical veils to guarantee that it does not botch the semblance of global governance.

It is this backdrop that thwarts any serious discussion of the failure to uphold freedom of association and collective bargaining in the Global South. Thus, the Sri Lankan apparel sector is able to talk about and promote the country as an ethically sourced destination because its record in championing particular aspects of the ethical code regimes is impressive, while it is at the same time non-compliant when it comes to freedom of association and collective bargaining – and hence living wages. In this regard, Sri Lanka's 'Garments without Guilt' campaign

operates a selective national labelling system with regards to ethical codes and indeed even when it comes to international employment standards that Sri Lanka is a signatory to. The narration of events in this article suggests that there is much at stake regarding the challenges ahead for unions, campaigning groups and NGO activists in their efforts at promoting freedom of association and collective bargaining.

A commitment to the politics of labour geography then requires constant engagement with local and grounded forces, including the state, NGOs, unions and other relevant actors, so as to re-politicize the rights of garment workers (De Neve, 2008). I go further to suggest that this re-politicization may mean recognizing that three decades of neo-liberal policies, such as in the case of Sri Lanka, may have seeped into the psyche of workers. They are hence distrustful or fearful of collective action, with their personal politics being fairly individualized (see also Ost, 2005). Paying attention to the political economy of labour, while at struggle, suggests a complexity where unionization, however important it may be for the collective will of labour, requires hard work. Serious labour activism requires acknowledging the complexity of political and social process at stake for two reasons (Elias, 2005). Firstly, the evolution of a neo-liberal global political economy has meant that notable segments of labour are sceptical or ambivalent about union politics. Secondly, neo-liberal governance regimes utilize and deploy governance regimes via familiar cultural tropes that make sense to local management-labour relations, resulting in paternal factory politics mediating code deployment with uneven consequences for labour. Global governance regimes, in other words, simply do not transmit across global spaces ahistorically or apolitically; as it hits the ground, it does so in politically, culturally and materially specific ways – and unpacking these processes is important to recover and restore a commitment to labour geography that shifts our gaze to the collective will of labour agency.

## Monumental challenges

Using workplace ethnography in Sri Lanka, this article details the interactions of management and labour during a labour struggle over union formation. Academic debates on union politics in the Global South have tended to focus on effective union and solidarity campaigns, but this article reveals that labour struggles do not always yield beneficial outcomes for workers. Three decades of neo-liberal policies in Sri Lanka suggest complexities that labour rights advocates would potentially prefer to shy away from. Following a violent incident on the shop floor, workers attempted to develop a union presence. However, once management initiated their fear-mongering tactics, contact between the neighbouring factory union and the newly formed union rapidly ceased, partly reasoned by a segment of workers being sceptical about union politics. This suggests a monumental challenge for unions attempting to mobilize cynical workers around the benefits of freedom of association and collective bargaining. Upholding collective labour rights is highly



problematic when retrograde management attitudes, material deprivation and lack of alternative employment opportunities are brought together with palpable fear of unions and union politics.

For labour geographers, my research unravels thorny situations and processes that do not offer easy answers and puncture comfort zones on possibilities of unionizing workers. Effective union formation is not simply contingent upon varied national spaces (Herod, 2001; Castree, 2007; Cumbers et al., 2008; Herod, 2012), but also should heed multiple labour anxieties and paternalistic management tactics on the shop floor. While labour geographers are willing to concede that there are 'significant forces pushing in the direction of individualization', they are less willing to concede that 'collective organizations either does not work or has been radically altered' (Rainnie et al., 2011: 166). This article signals not simply the increasing individualization of workers, but how we need to explicitly acknowledge and understand the reasons why unionization is a fraught process for labour; otherwise, we fail the very constituency, labour, that labour geographers are committed to centring in debates around global production (Rainnie et al., 2011). Since substantial sections of labour remain distrustful of unions or are made to fear its relevance to their working lives, a labour geography committed to labour politics ought to register worker disquiet to appreciate the challenges of unionizing workers. Broader global processes of capital accumulation and uneven development thus lead to contested socio-spatial relations, resulting in labour occupying compromised and contentious subject positions (Elias, 2005; De Neve, 2008, 2012). These intricate social relationships make us aware that universal efforts at union formation will need to heed to spatial, temporal and place dynamics of labour politics if collective labour rights are to be championed, protected and sustained.

De Neve (2001) already notes how within the global garment industry neo-liberal priorities sit together with semi-feudal production floor dynamics for the gain of capital. Likewise, this article shows how global governance regimes are also inflected by and implicated in a socio-cultural and political economy context where paternal and semi-feudal social hierarchies shape the deployment of these global governance regimes at production sites – including that pertaining to freedom of association and collective bargaining. This situation is aided and reinforced globally by the geographical dispersion of the supply chain and partiality of emphasis on labour standards over labour rights (Anner, 2012), with the complicity of the state in this realm equally needing further scrutiny (see also Hughes, 2007).

Connections made with workers during localized ethnographic research enabled me to gather information on an episode that is unlikely to have been recorded otherwise. Undeniably, the value of situated ethnography is that it also offers the fortuitous chance of challenging 'top-down' narratives around global governance with a level of meticulousness and attention to detail that even I, as a researcher, would have been unable to envisage at the start of my research. By registering these events my purpose is to emphasize that Sri Lanka's otherwise admirable ethical trading record is perforated and patchy – with the state and employers being

equally culpable. Since management exploits worker anxieties in insalubrious ways and the state is still upholding a constitutionally enshrined right, to presume that global governance regimes alone have the capacity to mobilize and respect the collective will of labour remains spurious. While freedom of association, unionization and collective bargaining are critical cornerstones for respecting labour rights, we also need to realistically traverse this path by exploring alliances with NGOs and social movements to facilitate organizing labour's right to freely associate. The silent state has to be stirred and management held accountable for its continued lapses in upholding labour rights. Otherwise, the arena of union formation and collective bargaining is likely to be an elusive goal for labour from which global capitalism continues to profit.

### Acknowledgements

This article draws upon a three-year ESRC research grant on 'Labour-Practice Responses to Ethical-Trading Codes of Conduct at Sites of Production: A Case Study of the Sri Lankan Apparel Sector' (ESRC Grant No: RES-0161-25-0181). My thanks also to four reviewers for offering me their input, in particular to one reviewer for detailed and thoughtful comments on strengthening the paper. Finally, to Steven Pinch (Emeritus Professor, University of Southampton), a special thanks – for taking his time to carefully proofread the article and offer constructive comments in strengthening the paper.

### Notes

1. However, Hughes (2007) makes arresting observations on how transnational networks can work against the spontaneous and collective will of labour by giving primacy to regulated, technocratic and individualized expressions of labour rights (2007: 840).
2. Here slightly conflicting accounts were given. Managers said that the security officers at this point started hitting Jeevan for getting hold of the HR manager's collar, while the workers, security and Jeevan said that the HR manager initially hit Jeevan, which for the security officers was a *carte blanche* for them to do the same.
3. It is at moments like these that the confluence between the state and capital starkly manifests itself, with the state willingly deploying violence against protesting workers – whether it be in Cambodia (Hughes, 2007) or Sri Lanka (Ruwanpura, 2013b).
4. In the interest of space, an abbreviated account is offered as the bulk of the article focuses on worker unionization efforts.
5. While there were men in the committee, the union was headed by a woman, as were the posts of secretary and treasurer; these women were of various age groups.
6. This was, however, to be for the moment. On my return fieldtrip visit between end the end of November 2010 and the end of January 2011, some of the men workers who were involved in taking a lead and were boisterous during the strike had been 'under watch' and were put on unpaid leave, with one young man being summarily dismissed for being a trouble-maker.
7. She was in regular contact with me after the episode and they had unionized to talk to me about the harassment they were undergoing.
8. The narrative of Jeevan's afterlife from the factory and how he felt compelled to leave and indeed the extent to which he 'profited' from the incident is a topic covered elsewhere (Ruwanpura, 2012).

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### Author Biography

**Kanchana N. Ruwanpura** is a Senior Lecturer in Development Geography at the University of Edinburgh. Since completing her PhD at Newnham College, University of Cambridge, she has worked at the University of Southampton (2006–13), Hobart & William Smith Colleges, USA (2004–6), the University of Munich, Germany (2002–4) and the International Labour Office in Geneva (2001–2). Her research explores the intersection between feminism, ethnicity and labour. She is the author of a research monograph published by the University of Michigan Press/Zubaan Books, two edited volumes, and several peer-reviewed journal articles.